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*Attorneys for Irving H. Picard, Esq., Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF AGENDA FOR MATTERS SCHEDULED  
FOR HEARING ON DECEMBER 17, 2009 AT 10:00 A.M.**

**CONTESTED MATTERS**

**Picard v. Merkin, et al.; Adv. Pro. No. 09-1182**

1. Motion to Dismiss Adversary Proceeding filed by Jonathan D. Perry on behalf of Gabriel Capital Corporation, J. Ezra Merkin [Filed: September 4, 2009] (Docket No. 22)

Related Documents:

- A. Memorandum of Law in Support of Motion to Dismiss (related document 22) filed by Jonathan D. Perry on behalf of Gabriel Capital Corporation, J. Ezra Merkin [Filed: September 4, 2009] (Docket No. 23)
- B. So Ordered Stipulation signed on 9/22/2009 Between Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff and Bart M. Schwartz, Receiver of Gabriel Capital L.P. and Ariel Fund Limited and Defendants J. Ezra Merkin and Gabriel Capital Corporation (related documents 17, 22). RE: Setting Briefing Schedule And Adjourning The Hearing On Motions To Dismiss By Defendants Ariel Fund Limited And Gabriel Capital L.P., and, J. Ezra Merkin And Gabriel Capital Corporation. With Adjourned Hearing to be held on 12/17/2009 [Filed: September 22, 2009] (Docket No. 25)

Objections Filed:

- C. Memorandum of Law in Opposition to Motion by Defendants J. Ezra Merkin and Gabriel Capital Corporation To Dismiss The Amended Complaint (related document 22) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: November 2, 2009] (Docket No. 29)
- D. Declaration of Marc E. Hirschfield in Support of Trustee's Memorandum of Law in Opposition to the Motion to Dismiss by Defendants Ariel Fund, Ltd. and Gabriel Capital, LP and Memorandum of Law in Opposition to the Motion to Dismiss by Defendants J. Ezra Merkin and Gabriel Capital Corporation (related documents 29, 30) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: November 2, 2009] (Docket No. 31)

Responses Filed:

- E. Reply Memorandum of Law in Further Support of Defendants J. Ezra Merkin's and Gabriel Capital Corporation's Motion to Dismiss Plaintiff's Amended Complaint filed by Jonathan D. Perry on behalf of Gabriel Capital Corporation, J. Ezra Merkin [Filed: November 23, 2009] (Docket No. 37)

Status: This matter is going forward.

- 2. Notice Of Motion To Set Hearing Notice Of Motion By Defendants Ariel Fund Limited And Gabriel Capital L.P. To Dismiss The Complaint (related document 10) filed By James C. Mccarroll On Behalf Of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: September 4, 2009] (Docket No. 16)

Related Documents:

- A. Memorandum Of Law In Support Of Motion By Defendants Ariel Fund Limited And Gabriel Capital L.P. To Dismiss The Complaint (related documents 10, 16) filed By James C. Mccarroll On Behalf Of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: September 4, 2009] (Docket No. 17)
- B. Declaration Of Lance Gotthoffer In Support Of Motion By Defendants Ariel Fund Limited And Gabriel Capital L.P. To Dismiss The Complaint (related documents 16, 17) filed by James C. McCarroll on behalf of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: September 4, 2009] (Docket No. 18)
- C. Affidavit of Service (related documents 18, 17, 16) filed by James C. McCarroll on behalf of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: September 4, 2009] (Docket No. 19)
- D. So Ordered Stipulation signed on 9/22/2009 Between Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff and Bart M. Schwartz, Receiver of Gabriel Capital L.P. and Ariel Fund Limited and Defendants J. Ezra Merkin and Gabriel Capital Corporation (related documents 17, 22). RE: Setting Briefing Schedule And Adjourning The Hearing On Motions To Dismiss By Defendants Ariel Fund Limited And Gabriel Capital L.P., and, J. Ezra Merkin And Gabriel Capital Corporation. With Adjourned Hearing to be held on 12/17/2009 [Filed: September 22, 2009] (Docket No. 25)

Objections Filed:

- E. Memorandum of Law in Opposition to Motion by Defendants Ariel Fund Ltd. and Gabriel Capital L.P. to Dismiss the [Amended] Complaint (related documents 18, 17, 16) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: November 2, 2009] (Docket No. 30)
- F. Declaration of Marc E. Hirschfield in Support of Trustee's Memorandum of Law in Opposition to the Motion to Dismiss by Defendants Ariel Fund, Ltd. and Gabriel Capital, LP and Memorandum of Law in Opposition to the Motion to Dismiss by Defendants J. Ezra Merkin and Gabriel Capital Corporation (related documents 29, 30) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: November 2, 2009] (Docket No. 31)

Responses Filed:

- G. Memorandum of Law Reply Memorandum Of Law In Support Of Motion By Defendants Ariel Fund Limited And Gabriel Capital L.P. To Dismiss The Complaint (related documents 17, 30) filed by James C. McCarroll on behalf of

Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: November 23, 2009] (Docket No. 35)

- H. Declaration Supplemental Declaration Of Lance Gotthoffer In Further Support Of Motion By Defendants Ariel Fund Limited And Gabriel Capital, L.P. To Dismiss The Complaint (related document 35) filed by James C. McCarroll on behalf of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: November 23, 2009] (Docket No. 36)
- I. Affidavit of Service (related documents 35, 36) filed by James C. McCarroll on behalf of Ariel Fund Ltd., Gabriel Capital, L.P. [Filed: November 24, 2009] (Docket No. 38)

Status: This matter is going forward.

- 3. Motion for Leave to File Second Amended Complaint filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: December 1, 2009] (Docket No. 39)

Related Documents:

- A. Memorandum of Law in Support of Motion For Leave To File Second Amended Complaint (related document 39) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: December 1, 2009] (Docket No. 40)
- B. Certificate of Service of Motion for Leave to File Second Amended Complaint (related document 39) filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: December 1, 2009] (Docket No. 41)

Objections Deadline: December 10, 2009

Objections Filed:

- C. Memorandum of Law of Defendant J. Ezra Merkin in Opposition to Plaintiffs Motion for Leave to File Second Amended Complaint (related document 39) filed by Jonathan D. Perry on behalf of Gabriel Capital Corporation, J. Ezra Merkin [Filed: December 14, 2009] (Docket No. 43)

Responses Filed:

- D. Reply Memorandum of Law in Further Support of Motion For Leave To File Second Amended Complaint filed by Marc E. Hirschfield on behalf of Irving H. Picard [Filed: December 16, 2009] (Docket No. 45)

Status: This matter is going forward.

- 4. Pre-trial Conference.

Status: This matter is going forward.

**SIPC v. BLMIS; Adv. Pro. No. 08-1789**

5. Notice of Hearing on Second Applications For Interim Compensation For Services Rendered and Reimbursement of Actual And Necessary Expenses Incurred by Applicants [Filed: November 23, 2009] (Docket No. 982)
6. Application for Interim Professional Compensation for Attias & Levy, Special Counsel, period: 5/1/2009 to 10/31/2009, fee:\$219688.99, expenses: \$14506.80 [Filed: November 23, 2009 ] (Docket No. 987)
7. Application for Interim Professional Compensation for Eugene F. Collins, Special Counsel, period: 5/1/2009 to 9/30/2009, fee:\$37820.17, expenses: \$193.63 [Filed: November 23, 2009] (Docket No. 988)
8. Application for Interim Professional Compensation for Lovells LLP, Special Counsel, period: 5/1/2009 to 9/30/2009, fee:\$730850.75, expenses: \$16613.42 [Filed: November 23, 2009] (Docket No. 989)
9. Application for Interim Professional Compensation for SCA Creque, Special Counsel, period: 5/1/2009 to 10/31/2009, fee:\$106677.50, expenses: \$0.00 [Filed: November 23, 2009] (Docket No. 990)
10. Application for Interim Professional Compensation for Higgs Johnson Truman Bodden & Co., Special Counsel, period: 5/1/2009 to 9/30/2009, fee:\$39981.33, expenses: \$1049.11 [Filed: November 23, 2009] (Docket No. 991)
11. Application for Interim Professional Compensation for Williams, Barristers & Attorneys, Special Counsel, period: 5/1/2009 to 10/31/2009, fee:\$262717.50, expenses: \$30963.00 [Filed: November 23, 2009] (Docket No. 992)
12. Application for Interim Professional Compensation for Schifferli Vafadar Sivilotti, Special Counsel, period: 5/1/2009 to 9/30/2009, fee:\$17410.00, expenses: \$0.00 [Filed: November 23, 2009] (Docket No. 993)
13. Application for Interim Professional Compensation for Schiltz & Schiltz, Special Counsel, period: 5/1/2009 to 9/30/2009, fee: \$95277.85, expenses: \$5533.96 [Filed: November 23, 2009] (Docket No. 997)
14. Second Application for Interim Professional Compensation for Irving H. Picard, Trustee Chapter 7, period: 5/1/2009 to 9/30/2009, fee:\$915346.69, expenses: \$921.25 [Filed: November 23, 2009] (Docket No. 998)

15. First Application for Interim Professional Compensation for Windels Marx Lane & Mittendorf, LLP, Special Counsel, period: 6/9/2009 to 10/31/2009, fee:\$712,614.00, expenses: \$15,072.92 [Filed: November 23, 2009] (Docket No. 1008)
16. Second Application for Interim Professional Compensation for Baker & Hostetler LLP, Trustee's Attorney, period: 5/1/2009 to 9/30/2009, fee:\$23076176.37, expenses: \$280681.62 [Filed: November 23, 2009] (Docket No. 1010)
17. Trustee's Second Interim Report For The Period Ending 10/31/2009 filed by Irving H. Picard [Filed: November 23, 2009] (Docket No. 1011)
18. Final Application for Final Professional Compensation for *Lee S. Richards, Receiver, and* for Richards Kibbe & Orbe LLP, Other Professional, period: 12/11/2008 to 2/28/2009, fee:\$300,000.00, expenses: \$6,449.00, for AlixPartners LLP, Accountant, period: 12/11/2008 to 2/28/2009, fee:\$316,000.00, expenses: \$15,000.00 [Filed: November 24, 2009] (Docket No. 1016)
19. Affidavit of Mailing of Notice of Hearing on Second Applications For Interim Compensation For Services Rendered And Reimbursement of Actual And Necessary Expenses Incurred by Applicants (related document 982) [Filed: December 14, 2009] (Docket No. 1054)

Objection Deadline: December 14, 2009

Objections Filed:

- A. Objection to Second Applications of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from May 1, 2009 through September 30, 2009 filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin [Filed: December 14, 2009] (Docket No. 1055)
- B. Letter Objection to The Honorable Burton R. Lifland from SaraAnne Grossman (Please Note: Letter has not been filed on the docket.)
- C. Letter Objection to Stephen P. Harbeck from Phyllis Poland dated December 11, 2009 (Please Note: Letter has not been filed on the docket.)
- D. Letter Objection to Baker & Hostetler from Weinger Family Trust and Shirley S. Weinger (Please Note: Letter has not been filed on the docket.)
- E. Letter Objection to The Honorable Burton R. Lifland from Stefanie Grossman dated December 2, 2009 (Please Note: Letter has not been filed on the docket.)

Responses Filed:

- F. Reply to Motion Recommendation of the Securities Investor Protection Corporation in Support of Second Applications of Trustee and Counsel for Interim Compensation and Reimbursement of Expenses (related documents 1010, 998) filed by Josephine Wang on behalf of Securities Investor Protection Corporation [Filed: December 15, 2009] (Docket No. 1057)
- G. Reply to Motion Recommendation of the Securities Investor Protection Corporation in Support of First Application of Windels Marx Lane & Mittendorf, LLP for Interim Compensation and Reimbursement of Expenses (related document 1008) filed by Josephine Wang on behalf of Securities Investor Protection Corporation [Filed: December 15, 2009] (Docket No. 1058)
- H. Reply to Motion Recommendation of the Securities Investor Protection Corporation in Support of Second Applications of Special Counsel to Irving H. Picard, Trustee, for Interim Compensation and Reimbursement of Expenses (related documents 991, 992, 989, 988, 987, 993, 997, 990) filed by Josephine Wang on behalf of Securities Investor Protection Corporation [Filed: December 15, 2009] (Docket No. 1059)
- I. Reply to Motion Recommendation of the Securities Investor Protection Corporation in Support of First and Final Application of Lee S. Richards, Former Receiver for Bernard L. Madoff Investment Securities LLC, His Counsel, and His Forensic Accountants for Allowance of Compensation and Reimbursement of Expenses (related document 1016) filed by Josephine Wang on behalf of Securities Investor Protection Corporation [Filed: December 15, 2009] (Docket No. 1060)
- J. Certificate of Service (related documents 1060, 1059, 1058, 1057) filed by Josephine Wang on behalf of Securities Investor Protection Corporation [Filed: December 15, 2009] (Docket No. 1061)
- K. Trustee's Response to Objections To Second Applications of Trustee and Baker & Hostetler LLP For Allowance of Interim Compensation filed by David J. Sheehan on behalf of Irving H. Picard [Filed: December 16, 2009] (Docket No. 1075)

Status: This matter is going forward.

Dated: New York, New York  
December 16, 2009

Respectfully submitted,

*s/Marc Hirschfield*  
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